



RECEIVED

OCT 23 1989

440

183

10/18/89

6861 1 130

BOARD OF PATENT APPEALS
AND INTERFERENCESYale 204-RSB:TF
OCR 133
SY 9492# 28/89
for Finland
+ Decl.

John

Rollon

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicants : Tai-Shun Lin and William H. Prusoff
Serial No. : 06/942,666
Filed : December 17, 1986
For : USE OF 2', 3'-DEOXYTHYMIDIN-2'-ENE
(3'-DEOXY-2', 3'-DIDEHYDROTHYMIDINE) IN
TREATING PATIENTS INFECTED WITH RETROVIRUSES
Art Unit : 181
Examiner : J. Tou

October 2, 1989
Hon. Commissioner of Patents
& Trademarks
Washington, D.C. 20231

89-2572

Set
1/27

Sir:

REQUEST FOR REMAND BY THE BOARD

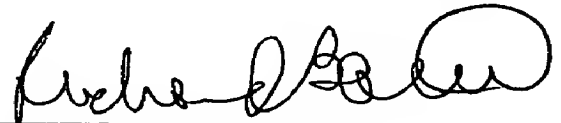
Pursuant to MPEP 1211, the Board is hereby respectfully requested to remand this case to the Examiner to consider the Declaration of Colin McLaren submitted herewith. Such declaration presents in vivo data which has just been generated. It is believed that such in vivo data is further convincing evidence bearing on the 35 U.S.C. 112 rejection presently in this application.

The declaration shows significant increases in CD4 counts, significant reductions in the amount of p24 antigen and significant weight gains in patients, all markers of potential amelioration of HIV infection in patients treated

according to the invention. Upon review of such Declaration, the Examiner may allow the application, thereby saving the Board's time in reviewing the file, presiding over an oral hearing and rendering a written decision.

Respectfully submitted,

SPRUNG HORN KRAMER & WOODS

By 
Richard S. Barth
Reg. No. 28,180

600 Third Avenue
New York, NY 10016

(212) 661-0520

I hereby certify that this correspondence is being deposited with the United States Postal Services as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on *Oct. 2, 1989*
Sprung, Horn, Kramer & Woods

By .....

Date *Oct. 2, 1989*.....